

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

GIULLIAN STEELE, *et al.*

Plaintiffs,

v.

LEASING ENTERPRISES, LTD.

Defendant.

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CIVIL ACTION NO. 4:09-cv-02789

JURY DEMANDED

PLAINTIFFS' POST-TRIAL BRIEF

This case was filed in 2009. Perry's claims nothing prevents their deduction of various expenses. They are wrong. New disclosure requirements for tipped employees were adopted by the DOL in 2011. 29 C.F.R. § 531.59(b). Before taking the tip credit, the employer must notify tipped employees of the following: (1) the amount of the cash wage paid to the employee; (2) the amount of the tip credit taken by the employer, which amount may not exceed the value of the tips actually received by the employee; (3) that all tips received by the employee must be retained by the employee except for amounts contributed toward a valid tip-pooling arrangement; and (4) that the tip credit will not apply to any employee who has not been informed of these requirements. *See also* TEX. LABOR CODE § 821.28 (e) ("The employer shall obtain written authorization as required under the Act to deduct credit card service charges from an employee's tips.") At trial, Perry's put on no evidence of any disclosures.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on July 3rd, 2013 a copy of the foregoing instrument was served on the following counsel of record by the Court's electronic filing system.

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